DETAILED ACTION

1. This is in response to the amendment filed September 18, 2008. Claim 1 has been amended. Claim 20 has been cancelled. Claims 1-19 and 21-39 are pending and have been considered below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 and 21-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27-31 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Doty, Jr(US 2002/0152904)..

Claim 27: Doty discloses a system for providing learning objects, comprising:

i. A portal server to permit authoring of at least one shareable content object (SCO) having one or more assets *(paragraphs [0036], [0154], [0156]);*

ii. A content manager which stores or retrieves the at least one SCO and the one or more assets (*paragraph [0181]):*

i. A digital rights management (DRM) content packager accessible via the portal server which assigns digital rights to the at least one shareable content object (SCO) *(paragraphs [0169], [0171])*);

ii. A DRM license server which assigns license criteria to the at least one SCO and the one or more assets (*paragraphs [0129], [0167]).*

Claim 28: Doty disclose a system for providing learning objects as in claim 27 above, and ,Doty further discloses wherein the portal server provides a common interface personalized to a user's profile and role(*paragraphs [0072], [0081]*), and the portal server facilitates at least one of:

i. Accessing a web base authoring application for creating the at least one SCO, and downloading of a client authoring application for creating the at least one SCO (*paragraphs [0092]-[0094*]).

Claim 29: Doty disclose a system for providing learning objects as in claim 27 above, and Doty further discloses wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package (*paragraphs [0158], [0167*]) and parses the package to extract structure and titles of the package (*paragraph [0164]),* the package containing the at least one SCO and promotional material(*paragraph [0137]).*

Claim 30: Doty disclose a system for providing learning objects as in claim 27 above, and Doty further discloses wherein the one or more assets is at least one of a video asset, a text asset, a music asset, and a learning asset(paragraphs [0098], [0099]).

Claim 31: Doty disclose a system for providing learning objects as in claim 27 above, Doty further discloses wherein the at least one SCO is packaged into a digital container,

and wherein the each of the at least one SCO and each of the one or more assets is associated with a price controlled by DRM (*paragraphs [0164]-[0165]*).

Claim 39: Doty discloses a computer program product comprising a computer usable medium having readable program code embodied in the medium, the computer program product includes:

i. A first computer code to compose a shareable content object (SCO) representing one or more assets *((paragraphs [0036], [0154], [0156]*);

ii. A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code *)(paragraph [0181]*);

i. A second computer code to assign a digital rights to the SCO to secure the one or more assets *(paragraph [0169]*);

ii. A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights *(paragraph [0171])*.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 5-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amit Sawarkar (Digital Asset Management, May 22, 2001) in view of Doty, Jr (US 2002/0152904).

Claim 1: Sawarkar discloses a method of providing learning objects, comprising:

i. Accessing an authoring application for creating a shareable content object (SCO), the accessing being through at least one of a web based remote access and a download of the authoring application (*page 7 section of digital asset management, also see page 16 section on comprehensive process support and Fig. 2)*);

ii. Composing a shareable content object (SCO) representing one or more assets using the authoring application (*page 7 section of digital asset management, also see page 16 section on comprehensive process support and Fig. 2)*);

iii. Assigning a digital rights to the SCO to secure the one or more assets (*Page 14 DAM strategy consideration*); and

iv. Individually controlling access to the SCO and the one or more assets by utilizing the assigned digital rights to the SCO or the one or more assets *see introduction and page 14DAM strategy consideration)*,

But does not explicitly disclose wherein the download of the authoring application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version. However, Doty discloses a network based educational system, which further discloses wherein the download of the authoring

application includes checking a client browser's version and downloading a DRM extension appropriate for the browser's version *((paragraphs[0039], [0139], [0178], [0185]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching Sawarkar such as to check the client browser's version and download DRM extension. One would have been motivated to do so in order to take the burden of technology out of the hands of learners/user by detecting each user's browser, and then automatically serving the optimum stream for that specific connection as taught by Manning et al (*paragraph [0185]).*

Claim 5: Sawarkar and Doty disclose a method of providing learning objects as in claim 1 above, and Doty further discloses wherein, the assigning step includes:

i. Logging on to a digital packager (*paragraph [0154]);*

ii. Uploading a package containing the SCO and a metadata file (*paragraph [0158], [0167])*; and

iii. Triggering a digital rights management (DRM) packager to assign digital rights to at least one of the SCO and the one or more assets and the package (*paragraphs [0171]).*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to assign digital right to at least one SCO. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 6: Sawarkar and Doty disclose a method of providing learning objects as in claim 5 above, and Doty further discloses wherein the triggering step includes assigning a price level to one of the SCO and the one or more assets controlled by the assigned digital rights (*paragraphs [0164], [0165]).* Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to associate a price tag . One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 7: Sawarkar and Doty disclose a method of providing learning objects as in claim 5 above, and Doty further discloses that the method further comprising the steps of:

i. Parsing the package to extract structure and titles (*paragraph [0164]*); and

ii. Assigning a package ID with a package name to the SCO (*paragraph [00154]*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to extract structure and title and to assign Id to SCO. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 8: Sawarkar and Doty disclose a method of providing learning objects as in claim 5 above, and Doty further discloses that the method further comprising:

i. Generating promotional material and thumbnail for use in an electronic store (eStore) to provide searching and discovery capability *(paragraph [0137]);* and

ii. Storing the promotional material and the SCO in an on-line catalog (*paragraphs [0169], [0200]*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to generate and store promotional material. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 9: Sawarkar and Doty disclose a method of providing learning objects as in claim1 above, and Doty further discloses that the method further comprising assigning digital rights to the one or more assets and encrypting(*encode*) at least one of the SCO and one or more assets *(paragraphs [0183], [0188]).* Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to assign digital right to at least one SCO. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 10: Sawarkar and Doty disclose a method of providing learning objects as in claim1 above, and Doty further discloses wherein, the assigning digital rights step assigns rights to the one or more assets to independently access the one or more assets under control of the assigned digital rights(*paragraph [0129], [0167]*). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Sawarkar such as to assign digital right to at least one SCO. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 11: Sawarkar and Doty disclose a method of providing learning objects as in claim 5 above, and Doty further discloses that the method further comprising the step of placing the SCO, the metadata file and a promotional file into a digital container(*paragraphs [0109], [0110]).*

Claim 15: Sawarkar and Doty disclose a method of providing learning objects as in claim1 above, and Sawarkar further discloses wherein in the composing step the one or more assets include at least one of a video asset, a text asset, a music asset, and a learning asset (*page 6)*

Claim 16: Sawarkar and Doty disclose a method of providing learning objects as in claim 1 above, and Doty further discloses that the method further comprising packaging a content aggregation file separately from the SCO and any asset files, wherein the content aggregation file includes for the SCO: an associated metadata file, a manifest file, a content packaging information, and encrypted rights (*paragraphs[0104], [0177]).*

6. Claim 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amit Sawarkar (Digital Asset Management, May 22, 2001) in view of Doty, Jr (US 2002/0152904) in further view of Wiser et al (US 6,868,403).

Claim 2: Sawarkar and Doty a method of providing learning objects as in claim1 above, while either of them explicitly wherein the accessing an authoring application step includes: Accessing an on-line portal server to obtain registration information; and registering as an author of learning objects. However, Wiser et al discloses a secure on line music distribution, which further discloses

wherein the accessing an authoring application step includes:

> Accessing an on-line portal server to obtain registration information; and
>
> registering as an author of learning objects (column 1, lines 27-42).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Doty such as to register the author. One would have been motivated to do so in order to provide a secure online music distribution method that provides the customer with flexibility and for securing the distribution of the media throughout the system as taught by Wiser et al *(column 3, lines 5-15).*

Claim 3: Sawarkar and Doty and Wiser et al disclose a method of providing learning objects as in claim 2 above, and Wiser et al further discloses wherein the registering step includes receiving a registration confirmation that includes at least one of a user-id, a password, a login uniform resource locator (URL) and a universal resource identifier (URI) (*column 11, line 63 to column 12 line 15).* Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Doty such as to register the author. One would have been motivated to do so in order to provide a secure online music distribution method

that provides the customer with flexibility and for securing the distribution of the media throughout the system as taught by Wiser et al (*column 3, lines 5-15).*

Claim 4: Sawarkar and Doty disclose a method of providing learning objects as in claim1 above, and Doty further discloses wherein the download of the authoring application further includes:

> Accessing an application to create SCO rights metadata and promotional material (paragraphs [0137]. [0151], [0198]);

While neither of them explicitly discloses a step of generating a public key pair for the client for encryption purposes and sending a private key to the client, wherein the accessing the application to create SCO rights metadata occurs through one of a web based remote access and a download the application. However, Wiser et al discloses a secure online music distribution, which further discloses a step of generating a public key pair for the client for encryption purposes and sending a private key to the client, wherein the accessing the application to create SCO rights metadata occurs through one of a web based remote access and a download the application (column 4, lines 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Doty such as to use a public key encryption. One would have been motivated to do so in order to provide a secure online music distribution method that provides the customer with flexibility and for securing the distribution of the media throughout the system as taught by Wiser et al (*column 3, lines 5-15).*

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amit Sawarkar (Digital Asset Management, May 22, 2001) in view of Doty, Jr (US 2002/0152904) in further view of Moses et al(US 6,314,517).

Claim 12: Sawarkar and Doty disclose a method of providing learning objects as in claim1 above, while neither of them explicitly discloses wherein the placing step includes at least one of assigning digital rights to the SCO and encrypting the one or more assets using randomly generated symmetric keys of the associated SCO. However, Moses et al discloses a method for notarizing digital signature, which further discloses wherein the placing step includes at least one of assigning digital rights to the SCO and encrypting the one or more assets using randomly generated symmetric keys of the associated SCO.(column 1, lines 20-37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Doty such as to use a random symmetric key. One would have been motivated to do so in order to provide data integrity.

Claim 13: Sawarkar, Doty and Moses et al disclose a method of providing learning objects as in claim 12 above, and Doty further disclose wherein the placing wherein the digital rights include at least one of price, user identity, and length of use(paragraphs [0164]-[0165]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Moses such as to assign a price to at least one SCO. One would have been motivated to do so in order to enhance the total educational experience for those taking advantage of the present system as taught by Doty (*paragraph [0003]).*

Claim 14: Sawarkar, Doty and Moses et al disclose a method of providing learning objects as in claim 12 above, and Moses et al further disclose further including placing the randomly generated symmetric keys in the metadata file, and encrypting the metadata file with a public key(*column 1, lines 40-65)*. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Sawarkar and Doty such as to use a random symmetric key. One would have been motivated to do so in order to provide data integrity.

8. Claims 17-21, 23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty, Jr (US 2002/0152904) in further view of Bjornestad et al (US 2003/0084345).

Claim 17: Doty discloses a method for creating learning objects, comprising:

i. Creating a package containing one or more shareable content objects (Si.COs) *(paragraph [0156]*);

ii. Updating an on-line electronic store (e-Store) with the one or more SCOs (*paragraphs [0056], [0125]);*

iii. Logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role) (*paragraphs [0084],[0140]*).

i. Assigning digital rights management (DRM) to the one or more SCOs *(paragraph [0169]*);

ii. Wherein access to the one or more SCOs is controlled by the DRM, and the one or more SCOs include one or more assets individually controllable (*paragraph [0171]*)

But does not explicitly disclose making the one or more SCOs available for searching and downloading at a client. However, Bjornestad et al discloses a managed access to information over data network, which further discloses a step of making the one or more SCOs available for searching and downloading at a client (*paragraph [0055]*).Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Doty such as to make the content searchable. One would have been motivated to do so in order to provide a user with access to an information site hosting information with controlled access as taught by Bjornestad et al (*paragraph [0009]*).

Claim 18: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty discloses wherein in the creating a package step the package contains a content aggregation file containing at least one of a metadata, a manifest, content packaging information, and a encrypted rights for each SCO in the package *paragraphs [0104], [0177]).*

Claim 19: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty discloses that the method further comprising the step of invoking a DRM packager to upload the package in compressed format and place in a digital container(*paragraphs [0169], [0171]).*

Claim 20: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty discloses that the method further comprising the step of storing the package in a learning objects repository for later retrieval by an on-line learning management system when the one or more SCOs is at least one of searched and accessed(paragraph [0181]).

Claim 21: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty further discloses wherein:

i. The assigning DRM to the one or more SCOs include assigning a price to each of the one or more SCOs and at least one of the one or more assets (*paragraphs [0169], [0171]*, and

ii. The assigning the DRM step causes limitation of access to the one or more SCOs by user identity, price, or type of asset *(paragraphs [0164], [0165]).*

Claim 23: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and) and Doty further discloses whether the one or more SCOs are to be delivered via on-line or off-line mode (*paragraphs [0010], [0062]),* Logging onto an electronic store (e- store) to access the one or more SCOs (*paragraphs [[0084], [0125], [0140]]);*and whether the package is a course or SCO, a license server address, content manager address, and whether the promotional contents are packaged into a secure container (*paragraphs [0183], [0188]*).

i. Logging onto an electronic store (e- store) to access the one or more SCOs (*paragraphs [[0084], [0125], [0140]]);*and

ii. generating promotional material and supplying parameters indicating at least one of: a package ID whether each of the SCOs is encrypted (paragraphs [0104], [0177])

Claim 25 Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty discloses:

i. Extracting information including thumbnail promotional material from a content aggregation (CA) file (*paragraph [0037]);*

ii. ingesting the one or more SCOs and CA file into a catalog using the information (*paragraph [0110]);* and storing the thumbnail promotional material into the catalog and associating the promotional material with the one or more SCOs (*paragraphs [0103]-[0104], [110]*), Bjornestad et al further discloses wherein the thumbnail promotional material and one or more SCOs are searchable(*paragraphs [0054]-[0056]).*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Doty such as to make the content searchable. One would have been motivated to do so in order to provide a user with access to an information site hosting information with controlled access as taught by Bjornestad et al (*paragraph [0009]).*

Claim 26: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, and Doty discloses wherein the one or more assets are at least one of a video asset, a text asset, a music asset, and a learning asset (*paragraphs [0098].[0099]).*

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doty, Jr (US 2002/0152904) in further view of Bjornestad et al (US 2003/0084345) in further view of Moses et al (US 6,314,517).

Claim 24: Doty and Bjornestad et al disclose a method for creating learning objects as in claim 17 above, while neither of them explicitly discloses a step of assigning symmetric keys to each one or more SCOs and encrypting each one or more SCOs with the symmetric keys. However, Moses et al discloses a method for notarizing digital signature, which further discloses a step of assigning symmetric keys to each one or more SCOs and encrypting each one or more SCOs with the symmetric keys (*column 1, lines 23-37*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching of Doty and Bjornestas et al such as to use a random symmetric key. One would have been motivated to do so in order to provide data integrity.

10. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty, Jr (US 2002/0152904) in view of Penrod et al (US 2002/0169773)

Claim 32: Doty discloses a digital rights protection system, comprising:

i. an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction(paragraphs [0036], [0154], [0156]) and

ii. a digital rights generation layer having one or more components adapted to provide a web-based interface for specifying different rights to the one or more parts for providing protected digital content(paragraphs [0090], [0169], [0171])

But does not explicitly discloses a secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials. However, Penrod et al discloses an image comparison system, which further discloses a secure uploading service capable of receiving unprotected digital content having one or more parts, associated metadata, and one or more promotional materials (*paragraph [0029]*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Doty such as to receive unprotected digital content. One would have been motivated to do so in order to expose artists' works to a broad audience widely distributed throughout a broad geographic area as taught by Penrod et al (*abstract*).

Claim 33: Doty and Penrod et al disclose a digital rights protection system as in claim 32 above, and Doty further discloses that the system further comprising a means for generating digital rights files and associating the digital rights files with the digital content by embedding links into a metadata right field within corresponding metadata files(*paragraph [0169]).*

Claim 34: Doty and Penrod et al disclose a digital rights protection system as in claim 33 above, and Doty further discloses that the system further comprising further comprising a transparent web service for automatically encrypting the protected digital content and the

rights files, wherein the digital rights generation layer provides content protection services (*paragraph s [0177], [0183], [0188]).*

Claim 35 Doty and Penrod et al disclose a digital rights protection system as in claim 32 above, and Doty further discloses that the system further comprising further comprising:

i. A security manager component adapted to provide secure communications with client stations and an electronic store (*paragraph [0177]);* and

ii. A content repository component which prevents any input/output operation that creates a rights violation when the protected digital content is stored (*paragraph [0177]).*

Claim 36: Doty and Penrod et al disclose a digital rights protection system as in claim 32 above, and Doty further discloses that the system further comprising, further comprising a means for providing catalog creation services that includes invoking web services with a trusted electronic store to create a catalog entry of the protected digital content and any associated promotional material.(*paragraphs [0104*], [0110], [0200])

Claim 37: Doty and Penrod et al disclose a digital rights protection system as in claim 32 above, and Doty further wherein all components of the rights generation layer has a public-key certificate by a certificate authority indicating that all the components are trusted(*paragraphs [0129], [0167]).*

Claim 38:Doty and Penrod et al disclose a digital rights protection system as in claim 32 above, and Doty further discloses wherein the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files (*paragraphs [0056], [0125]).*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Wednesday March 4, 2009

/F. T./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436